

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rukshana Parvin	Team: Squad #1	CCRB Case #: 201510106	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/23/2015 8:45 PM	Location of Incident: Nostrand Avenue and Vernon Avenue.	Precinct: 79	18 Mo. SOL 4/23/2017	EO SOL 4/23/2017	
Date/Time CV Reported Fri, 11/27/2015 5:46 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 11/27/2015 5:46 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Josephine Camacho	10639	955777	079 PCT
2. POM Charles Rivera	3221	956202	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Josephine Camacho	Abuse: Police Officer Josephine Camacho stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Charles Rivera	Abuse: Police Officer Charles Rivera stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POF Josephine Camacho	Discourtesy: Police Officer Josephine Camacho spoke discourteously to § 87(2)(b)	

### **Case Summary**

On October 23, 2015, at approximately 8:45 p.m., PO Josephine Camacho and PO Charles Rivera, Assigned to the 79<sup>th</sup> Precinct, were patrolling in the vicinity of Nostrand Avenue and Vernon Avenue when they observed a vehicle with excessive tinted windows. The officers stopped the vehicle in which, § 87(2)(b) was the driver (**Allegations A and B**).

§ 87(2)(b) told PO Camacho that he would be making a complaint to the chief of the 79<sup>th</sup> Precinct as he was stopped many times by the 79<sup>th</sup> Precinct. PO Camacho seemed upset and as she walked away she allegedly said “fuck him” (**Allegation C**). § 87(2)(b) received a summons for this incident for a tinted window [01 Board Review].

§ 87(2)(b) explained that this was not the first time he has been stopped by the 79<sup>th</sup> Precinct and he believed he was being racially profiled. § 87(2)(g)

There was no video footage of this incident.

This case is older than 90 days in part because § 87(2)(b) filed the complaint on November 27, 2015, over a month after the incident. Additionally, the case was sent to the mediation unit on December 9, 2015 and returned for investigation on January 14, 2016 after PO Camacho rejected mediation.

### **Mediation, Civil and Criminal Histories**

This case was referred to the mediation unit on December 9, 2015 and was rejected by PO Camacho. The case was returned for investigation on January 14, 2016.

A Notice of Claim inquiry was submitted to the Office of the New York City Comptroller on February 19, 2016 [02 Board Review]. A response was not received and therefore another Notice of Claim inquiry was sent on March 15, 2016. It will be added to the case file once it is received.

§ 87(2)(b) has no prior criminal history [03 Board Review].

### **Civilian and Officer CCRB Histories**

This is the first complaint involving § 87(2)(b) [04 Board Review].

This is the first complaint filed against PO Camacho during her two year tenure.

### **Findings and Recommendations**

**Allegation A- Abuse of Authority: Police Officer Josephine Camacho stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B- Abuse of Authority: Police Officer Charles Rivera stopped the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) stated that prior to being stopped, he was driving with all of his windows down, and as that is how he prefers to drive all year. Upon being stopped, PO Camacho asked him to roll up his driver’s side window. § 87(2)(b) rolled up his window and PO Camacho measured the

window with a tint meter. After measuring the tinted windows, PO Camacho went back to the RMP and later returned with a summons. PO Camacho stated that the tints were 31%. However, the summons stated otherwise, at 33% [05 Board Review].

PO Camacho stated that on October 23, 2015 at approximately 8:45 p.m. she and PO Rivera were driving southbound on Nostrand Avenue. § 87(2)(b) made a right turn on Nostrand Avenue. PO Camacho had the view of the front and as § 87(2)(b) made the turn PO Camacho was able to see the side and back of the vehicle. PO Camacho noticed that the vehicle windows were rolled up and were tinted. Upon stopping § 87(2)(b) vehicle, PO Camacho checked the driver's side window with a tint meter and found that only 33% of light was transmitted through the window. The legal amount is 70% light transmission [06 Board Review].

PO Rivera stated that he and PO Camacho were driving westbound on Myrtle Avenue. They noticed § 87(2)(b) vehicle which heading eastbound on Myrtle Ave and then made a right turn on Nostrand Avenue. PO Rivera saw the driver's side of the vehicle and observed that all the windows were tinted including the rear windshield. They pulled over the vehicle on Nostrand Avenue. PO Camacho checked the windows with a tint meter. The windows only allowed 33 % light transmitted through the window [07 Board Review].

New York State Vehicle Traffic Law (VTL) Section 375 subsection 12-a makes it a violation to operate a vehicle with its windows treated with any material with a light transmittance of less than 70% [ 08 Board Review].

§ 87(2)(g)

**Allegation C- Discourtesy: Police Officer Josephine Camacho spoke discourteously to**

§ 87(2)(b)

§ 87(2)(b) stated that prior to the testing of his windows; he told PO Camacho that he would be making a complaint to the chief of the 79<sup>th</sup> Precinct as he was stopped many times by the 79<sup>th</sup> Precinct. PO Camacho seemed upset and as she was walked away she said "fuck him." § 87(2)(b)

§ 87(2)(b) was not sure if the statement was with regards to him or about the chief of the precinct. PO Rivera was about 10 feet away from the passenger side of § 87(2)(b) car. § 87(2)(b) was not sure if PO Rivera was able to hear PO Camacho's statement [05 Board Review].

PO Camacho confirmed that she was at the front driver's side dealing with § 87(2)(b) and PO Rivera was by the front passenger's side. PO Camacho remembered that § 87(2)(b) mentioned that he would be complaining to the Brooklyn North Chief regarding the stop. PO Camacho stated that she did not respond to his comment. PO Camacho denied that either she or PO Rivera said "fuck him" or used profanity at any time during the incident [06 Board Review].

PO Rivera stated that PO Camacho wrote and delivered the summons. In response, § 87(2)(b) said "thank you bitch" and drove off. The officers did not reply to his comment. PO Rivera denied that either he or PO Camacho said "fuck him" or used any profanity during the incident [07 Board Review].

The summons prepared by PO Camacho indicated that § 87(2)(b) stated "fuck you bitch" [01 Board Review].

§ 87(2)(g)  
[REDACTED]

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Squad: 1

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date